

Date _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

8 December 2000

File No. A-69439/RMS/JJD

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of Inventor(s):

David MACK, Kurt C. GISH and Keith E. WILSON

For: NOVEL METHODS OF DIAGNOSING COLORECTAL CANCER AND/OR BREAST CANCER, COMPOSITIONS, AND METHODS OF SCREENING FOR COLORECTAL CANCER AND/OR BREAST CANCER MODULATORS

Enclosed are also:

- ☐ Prior Art Statement
☒ Five (5) sheets of ☒ formal ☐ informal drawings
☐ An Assignment of the invention to: _____
☐ Power of Attorney by Assignee and Exclusion of Inventor Under 37 CFR 1.32
☐ Combined Declaration and Power of Attorney for Patent Application
☒ Declaration for Patent Application (unsigned)
☐ Associate Power of Attorney
☒ Applicant claims small entity status (see 37 CFR 1.27)
☒ Request and Certification under 35 U.S.C. 122(b)(2)(i) with attached form PTO/SB/35
☐ Genetic Sequence Submission: Paper copy, Computer Readable Copy; Statement Verifying Identical Paper and Computer Readable Copy

	(Col. 1)		(Col. 2)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
	NO. FILED		NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE					\$ 355		\$ 710
TOTAL CLAIMS		- 20 =	0	x \$ 9 =	\$ 0	x 18 =	\$ 0
INDEP CLAIMS		- 3 =	0	x \$ 40 =	\$ 0	x 80 =	\$ 0
MULTIPLE DEPENDENT CLAIM PRESENTED <u>yes</u> <u>no</u>				+ \$ 135 =	\$	0 270 =	\$
If the difference in Col 1 is less than zero, enter "0" in Col. 2				TOTAL \$		TOTAL \$	

— Our Check No. _____ in the amount of \$ _____ to cover the filing fee is enclosed.

— This is a continuing application under 35 U.S.C. 120/121 of U.S. Patent Application Serial No. _____, filed _____, which is a continuing application under 35 U.S.C. 120/121 of U.S. Patent Application Serial No. _____, filed _____.

— The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. _____). A duplicate copy of this sheet is enclosed.

☒ This application is being submitted without payment of the filing fee at this time.

**FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP**
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187

Tel.: (415) 781-1989
Fax: (415) 398-3249

Respectfully submitted,

By James J. Diehl
James J. Diehl
Reg. No. P-47,527

[SF-1037523v1]

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	David MACK, et al.
	Title	NOVEL METHODS OF DIAGNOSING COLORECTAL CANCER AND/OR BREAST CANCER, COMPOSITIONS, AND METHODS OF SCREENING, etc.
	Atty. Docket Number	A-69439/RMS/JJD

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

8 December 2000
 Date


 Signature

James J. Diehl - Reg. No. P-47,527
 Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122 (b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Assistant Commissioner for Patents, Washington, DC 20231.

cc: FHTAH DOCKETING

